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C O N F I D E N T I A L SECTION 01 OF 03 KABUL 005751

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E.O. 12958: DECL: 12/09/2016

TAGS: [PREL](#) [PGOV](#) [PTER](#) [ASEC](#) [MARR](#) [AF](#)

SUBJECT: DEC 6 PAG: NAC SHOULD TEST MUSA QALA

Classified By: Ambassador Ronald Neumann for reasons 1.4 (B) and (D).

¶1. (C) The December 6 PAG continued to negotiate the tests necessary to determine whether Musa Qala district is operating under the control of the central government. A new document was issued but remains flawed as it still misses the essential ingredient needed to test the agreement)- a small force of ANP from outside Musa Qala that would be stationed in the district.

¶2. (C) COMISAF Richards pushed there (but may now be shifting) to test the agreement against the 14 points agreed to between the Governor and the tribal elders, rather than against the larger question of whether or not central authority has been established. This question is essential and larger than whether the terms of the Musa Qala agreement itself are being complied with.

¶3. (C) COMISAF Richards, view is that in testing the agreement by stationing forces from outside the district, we would be violating the agreement, specifically point 3 which refers to &using locally recruited police8 to maintain security. He argues that if we are going to violate the agreement, President Karzai will need to be consulted, the locals will have to be acclimatized to build up confidence, and we would need to sequence the test with practical steps. This approach seems reasonable but we believe it needs to be done by January 15 or the end of ISAF IX at the latest. Test 2 (right to transit the town and 5KM radius zone) should be completed by December 31 as called for in the PAG proposal, although the full sixty Musa Qala ANAP will probably not be finished training and in place until January ¶11. Of course, if Test 2 fails, then Test 3 (stationing an outside force) is unnecessary as the agreement itself will have failed.

¶4. (C) Without a small, permanent outside security force, we will not be able to lay to rest the question of whether the agreement has created a secure base for the Taliban and drug traffickers. Other districts are beginning to look at Musa Qala as a model for similar arrangements. Musa Qala thus

becomes a political issue that cannot be confined to just this agreement. If we create a situation where the GOA can only enter the district under the terms of the agreement, then we are setting up a very different kind of state. The Ambassador has been pressing the above line of argument hard with General Richards, ISAF staff, President Karzai, and other key players. Karzai seems to agree but has not forced the issue.

¶5. (C) In a further exchange between General Richards and Ambassador Neumann, Richards said he was willing to try to add the "third test" of outside forces during ISAF IX. That issue has been referred back to ISAF staff. We do not/not count this as an absolute commitment; ISAF has to come up with a course of action and the decision will still have to go to Karzai. We will keep pressing. Failing progress in another week or two, we should consider whether discussion in capitals or the NAC would be useful.

¶6. (SBU) Text of PAG Proposal on Musa Qala (dated December 5, distributed at December 6 PAG):

Begin Text:

PROPOSAL FOR TESTING THE MUSA QALA AGREEMENT

ISSUE

¶1. The PAG tasked the IACT to develop tests for the Musa Qala (MSQ) Agreement.

DEADLINE

¶2. This proposal is to be delivered to the PAG on Wed 6 Dec

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¶06. Tests are to be implemented by 31 Dec 06.

RECOMMENDATION

¶3. Test 1. The MOI is to confirm to the PAG, through the IACT, that Point 3 of the Agreement has been met by ensuring that law and order is being maintained in the town of MSQ, within the agreement zone of 5km from the District Centre, through the use of locally recruited and properly led members of the Afghan National Auxiliary Police under the overall command of the ANP Provincial Chief of Police. This process is to be supported by the ANA and ISAF as necessary.

¶4. Test 2. ANP/ANA/ISAF are to confirm to the PAG, through IACT, that Point 9 of the Agreement has been met by testing their right to transit the town of MSQ and surrounding 5km zone with a force from outside MSQ. This force should remain in the zone for a length of time sufficient to prove it has freedom of manoeuvre.

¶5. Wider Progress. In addition, and also by 31 Dec, the IACT, assisted as appropriate by Governor Daud, NDS, MOI, MOD, MOE, MRRD, UNAMA, and ISAF, as well as the MSQ tribal elders, is to produce a report for the PAG on wider progress against the other points in the Musa Qala Agreement. Any shortcomings are to be explained and solutions offered.

¶6. Reporting Responsibility. The implementation of the tests is to be undertaken by MOI, assisted by those actors detailed above. Reports on progress against the tests are to be made to the IACT. The main report is to be briefed by the IACT and MOI to the PAG immediately following 31 Dec.

BACKGROUND

¶7. The aim is to test the effectiveness of the MSQ agreement, specifically the actions of the MSQ elders against their responsibilities as set out in the agreement. It is not intended to impose a higher standard of performance than is expected elsewhere in the country. Nor is this test

intended to examine the separate, though related issue, of a determination of the consequences of the agreement, in terms of gains and losses for GOA, local people and IC on one side and the insurgents, criminals and opponents of GOA on the other side.

¶8. The test must focus on issues which can reasonably be measured objectively and which also show the actions and intent of the MSQ elders. Issues, which can not be properly assessed or do not reflect the actions of the MSQ elders, will not be part of the test, though they remain important parts of the agreement.

¶9. It will be important to gather not only factual evidence, but also the context and reasons behind the evidence, in order to determine whether the credit or fault for any particular action lies with the MSQ elders or an external actor.

¶10. There is some confusion about the exact details of the agreement, which has not been distributed freely; partly from translation between Pashtu and English and also because different versions of the agreement have arisen from copying.

There are also reports of additional agreements and clauses. A key condition, which is not specified below but is mutually accepted, is that the agreement applies to the area within 5km of the District Centre: MSQ elders are responsible for security and actively within this limit; ANA and ANP can operate within this limit (though none are currently there); ISAF forces remain and operate freely outside of this limit but may transit through it. The version below is that distributed to the PAG and the one that should be tested.

¶11. Terms of the Agreement. Listed below is HQ ISAF's understanding of the 14 points on which the agreement is

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based. It demands that the Musa Qala local administration:

i) Run all offices under the flag of the Government of Afghanistan to serve the people of the district.

ii) Try their best to avoid illegal acts and follow the Afghan constitution.

iii) Prefer to maintain security and law and order in the district and avoid any disturbance of security using locally recruited police who should become members of the Afghan National Auxiliary Police and be under the overall command of the ANP Provincial Chief of Police.

iv) Play a positive role in support of development and reconstruction.

v) Collect according to government regulations local electricity, transport and bazaar taxes and will propose to the Provincial government how to spend it.

vi) Try to keep open all schools.

vii) Facilitate free movement of equipment from GoA, security companies and NGOs.

viii) Keep open the main roads.

ix) Guarantee the transit of national and international forces.

x) Not allow by any means the use of the district to attack other districts or establish bases.

xi) Not allow any armed person to walk or travel in the center of town (except local administration police).

xii) Facilitate the return of IDPs and NGOs to support them.

xiii) Require the approval of the Governor for all local administration staff appointments.

xiv) Adjust terms and conditions by mutual agreement only.

End Text.

NEUMANN